

128. The method of claim 30 wherein the active component is griseofulvin.

REMARKS

Claims 30-43 and 126-128 are pending in this application. Originally filed claims 1-125 were made subject to the ten-way restriction requirement and an election of species as set forth on pages 2-13 of the Office Action. The restriction requirement requires an election under 35 U.S.C. § 121 of one of ten inventions identified as corresponding to claims in groups I to X respectively, as set forth in the Office Action. Applicants respectfully traverse the restriction requirement since examination of claims 1-125 does not appear to require separate or burdensome searches as alleged in the Office Action. Moreover, efficient examination of the application will be impeded by the ten-fold restriction requirement that multiplies the prosecution costs at least ten-fold while imposing significant administrative costs on the applicant.

However, in the event the restriction is maintained, applicants hereby provisionally elect Group III containing claims 30-43, with claims 30 and 33-43 being generic to the group, drawn to a method for testing or optimizing one or more properties of a formulation. Accordingly, the remaining claims 1-29 and 44-125 have been canceled without prejudice and applicants reserve the right to prosecute the subject matter of the canceled claims in one or more related applications.

In accordance with the aforementioned election of Group III, and in response to the Examiner's request for a species election, as set forth at paragraph 17, page 19 of the Office Action, applicants elect solubility as the "property," a pharmaceutical as the "type" of active-component, and griseofulvin as the specific active component to satisfy the requirements laid down therein. Applicants respectfully submit that all of the elected claims read on the elected species. Claims 126-128, reciting the various elections, have been added to further assist in the examination of the application.

Applicants respectfully request that the present amendments be entered and the present remarks be made of record in the file history of the present application. Applicants have traversed the restriction requirement in the Office Action and hereby request that either the restriction requirement be withdrawn in view of the reasons recited herein or be made

final. An early allowance of the application is earnestly requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

It is estimated that no fee in addition to that required for the extension of time is necessary for filing this response. In the event a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

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Respectfully submitted,

Ralph North Reg. No. 43,827
for

35,203

Anthony M. Insogna (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure